

PTO-910 (08-03)

Approved for use through 07/01/2006. OMB 0591-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**PLANT PATENT
APPLICATION (35 U.S.C. 161)
DECLARATION
(37 CFR 1.63)**☐ Declaration
Submitted
with Initial
Filing

OR

☐ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16(e))
required)

Attorney Docket Number

First Named Inventor

JOHN WHETMAN

COMPLETE IF KNOWN

Application Number

Filing Date

Art Unit

Examiner Name

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) name below to be the original and first inventor(s) of the new and distinct variety of:

DIANTHUS

plant named:

DEVON XERA

which is claimed and for which a plant patent is sought, the specification of which

☒ is attached hereto OR ☐ was filed on (MM/DD/YYYY) as United States
Application Number and was amended on (MM/DD/YYYY) (if applicable).I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as
amended by any amendment specifically referred to above.
I have asexually reproduced the plant to which this application applies.☒ Said plant was found in cultivated area (check this box for newly found plant only)I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for
continuation-in-part applications, material information which became available between the filing date of the prior application
and the National or PCT International filing date of the continuation-in-part.I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent,
inventor's or plant breeder's rights certificate(s), or 368(a) of any PCT international application which designated at least one
country other than the United States of America, listed below and have also identified below, by checking the box, any foreign
application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date
before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only If Priority Not Claimed	Certified Copy Attached?	
				YES	NO
2003/1499	CPVO	09/22/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet. PTO-910/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file
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FROM : John Whetman
PLANTHAVEN

FAX NO. : 116268527758

22 Sep. 2003 05:08PM P1

FAX NO. : 8055696549

Sep. 20 2003 12:10PM P 3

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
PTO/USPS (38-05)
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
PTO/USPS (38-05)

DECLARATION - Plant Patent Application

Direct all correspondence to: ☐ Customer Number: OR ☒ Correspondence address below

Name **PLANTHAVEN INC. (GEOFFREY NEEDHAM)**

Address **121 W. PUEBLO ST, #14**

Address **P.O. BOX 3056**

City **SANTA BARBARA** State **CA** Zip **93130-3056**

Country **USA** Telephone **805 569 6498** Fax **805 569 6549**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name **JOHN** Family Name or Surname **WHETMAN**

Inventor's Signature *John Whetman* Date **22.09.2003**

Residence: City **CHUDLEIGH** State **DEVON** Country **UNITED KINGDOM** Citizenship **UNITED KINGDOM**

Mailing Address **DEER PARK FARM**

Mailing Address **TQ13 ONH**

City **CHUDLEIGH** State **DEVON** Zip **EX20 2BP** Country **UNITED KINGDOM**

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name Family Name or Surname

Inventor's Signature Date

Residence: City State Country Citizenship

Mailing Address

Mailing Address

City State Zip Country

☐ Additional inventors or legal representative(s) are being named on the supplemental sheet(s) PTO/USPS (38-05) attached hereto.

Page 3 of 3

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: JOHN WHETMANApplication No./Patent No.: _____ Filed Issue Date: 09-30-2003Entitled: DIANTHUS PLANT NAMED DEVON XERAPLANTHAVEN INC, a CORPORATION
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
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The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

09/30/2003
Date
805 569 6498
Telephone number

GEOFFREY NEEDHAM
Typed or printed name
GNeedham
Signature
President PlantHaven Inc
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.2. From: _____ To: _____
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09/30/2003

Date

805 569 6498

Telephone number

GEOFFREY NEEDHAM

Typed or printed name

G Needham

Signature

President, Plant Haven Inc

Title

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